

**U.S. Consumer Product Safety Commission
LOG OF MEETING**

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SUBJECT: Upholstered Furniture rulemaking

DATE OF MEETING: December 12, 2007

LOG ENTRY SOURCE: Pamela L. Weller

DATE OF LOG ENTRY: January 16, 2008

LOCATION: Conference room in suite 724, CPSC headquarters

CPSC ATTENDEE(S): Pamela L. Weller, Michael Gougisha--legal counselors to Commissioner Moore; Dale Ray, Project Manager for the Upholstered Furniture rulemaking; Hugh McLaurin and Rik Khana, Engineering Sciences

NON-CPSC ATTENDEE(S): Hardy Poole, National Textile Association; David Ryan and Bob Blum, Craftex; Philip Wakelyn, National Cotton Council; Karen Suhr, National Association of State Fire Marshals; Barbara Little, Albemarle Corporation; Seal Oberle, Product Safety Letter

SUMMARY OF MEETING: Mr. Poole started the meeting by talking about how complex this issue was and mentioned the enormous amount of study and testing that had already been done.

Mr. Blum, the President of Craftex, described his company's operations. Craftex

designs and manufactures high-end, decorative upholstery fabric. He mentioned that several big textile manufacturers had gone out of business recently. He indicated that the "green" movement was affecting his industry; that more customers were wanting organic cotton and that fabric made from bamboo was also in demand. He said that the nation as a whole was moving away from petroleum-based products.

It was also mentioned that the latest staff proposal ignores the current use of flame retardant (FR) foam, and that most (80%) furniture made in the U.S. uses it.

Concern was expressed that the latest alternative, which focuses on cigarette resistance of fabrics and does not require the use of FR foam, might cause manufacturers to use non-flame retardant foam as it was cheaper. It was pointed out that Britain has an eco-friendly FR foam.

Mr. Gougisha asked if the concerns about FR chemicals were valid. Mr. Ryan said that there were people on the environmental side of the issue who were concerned and again mentioned the green movement in this country.

The conversation turned to the impact on fabrics of the 2007 staff draft. The Craftex representatives said that re-engineering of fabrics is not as simple as the briefing package made it sound and that they would absolutely be forced to FR treat some of their fabrics under this alternative. They indicated the test was much more severe than UFAC and that they might be forced to blend as much as 50% polyester into their cotton fabrics to meet the test and that this would result in a much less desirable fabric.

Mr. Ryan indicated that the growing use of reduced ignition propensity (RIP) cigarettes could result in a more than 50% reduction in upholstered furniture fires. Mr. Wakelyn said that Canada has moved to RIP cigarettes and maybe we need to let the RIP cigarette development play out in the U.S. before we mandate any changes in upholstered furniture.

Mr. Ryan said that a large flame should not be used in testing the fabric and Ms. Weller pointed out that the large flame was a barrier test, not a fabric test, to qualify barriers that would be used with fabrics that failed the cigarette ignition test. Mr. Ryan said that he was not sure you would ever get to flaming fabric if FR foam was used.

Mr. Poole indicated that their industry had not had enough time to react to the latest staff proposal, that it came up at the last minute. Mr. Gougisha asked how much time industry would need to react and Mr. Poole said maybe six to nine months. Mr. Ryan said they could respond to the cigarette ignition test, but that it would be hard to get a handle on the consequences of a reduction in the use of FR foam. Mr. Wakelyn mentioned that there had been no large scale testing of the alternative and Ms. Weller responded that until the Commission picked an alternative, it was hard to do large scale testing. Mr. Wakelyn reiterated that a

fabric fire is a small flame, not a large flame fire.

Ms. Weller and Mr. Gougisha thanked the participants for their information and the meeting ended. After the meeting Mr. Poole and Mr. Wakelyn sent a followup letter, which follows.

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**December 14, 2007
By Email**

Ms. Pam Weller

**National Textile Association
6 Beacon St., Ste. 1125
Boston, MA 02108
Mr. Michael Gougisha
Office of Commissioner Moore
Consumer Product Safety Commission
Washington, DC 20207**

Dear Pam and Michael:

Thanks for meeting with Craftex Mills executives Bob Blum, CEO, and David Ryan, Director of Quality, and us on December 12. Furniture flammability is an extremely important issue for our upholstery fabric manufacturers and for the cotton industry.

As we mentioned, the staff draft proposal released on November 21 is completely different from any of the many previous staff draft proposals, and this new approach places the total burden of protecting all internal furniture components on the cover fabric.

As was discussed at our meeting we believe this new alternative draft standard and the briefing package has incomplete information regarding fabric chemical treatments, reengineering of fabrics, and the usefulness of mattress technology:

- Flame Retardant (FR) Chemical Treatments. Though the briefing package suggests that no flame retardant treatments will be necessary, fabric manufacturers will be forced to consider FR treatments for certain fabrics that do not pass the staff's fabric smoldering test. Textile manufacturers do not want to use FR chemical treatments but many will treat their products because customers demand only fabrics that pass the agency's stringent smolder test in order to avoid double upholstering with barriers.**
- Reengineering Fabrics. Reengineering fabrics is a complex task. To be**

sure that a mid to heavyweight cellulosic fabric will pass the draft CPSC smolder test (more severe than the UFAC/ASTM 1353 test) the fabric would need to be reengineered to include more thermoplastic fiber (i.e., polyester) which changes many characteristics in the original fabric.

- **Barrier Technology for Furniture.** Though the assumption is made that barriers used for mattresses can be used for upholstered furniture, the construction of the two products usually is quite different -- barriers used for mattresses are usually in the form of batting, but barriers for upholstered furniture are normally fabric.

Since we have had only a short time to review the new proposal, obviously we have not been able to formulate a testing program to determine the impact on our products. However, it's clear from the fabric test method included in the briefing package that some of our members will be required to chemically treat 15-20% of their lines to satisfy their customer's demands. Perhaps a second fabric smoldering test option that is more indicative of furniture construction would be appropriate.

The furniture flammability issue has been under review by CPSC for more than three decades. Over this 30 year period, there has never been a time when a proposed furniture flammability test was introduced and the affected industry given so little time to evaluate the regulatory impact before the agency moves formally toward a regulation. Therefore, we respectfully request that any vote to move to the "Notice of Proposed Rulemaking" stage be delayed at least 6-9 months to give the affected industry a chance to evaluate the draft method and respond with the impact on cost, technical aspects, etc. In addition, this will give the staff time to do full scale testing to evaluate their draft proposal and gather data regarding reduced ignition propensity (RIP) cigarettes.

RIP cigarettes are clearly the most effective and quickest solution to reduce furniture fires. Fifty-two percent of the public resides in states that have passed legislation requiring RIP cigarettes. R. J. Reynolds Tobacco Company's October 25, 2007 announcement that it will manufacture all of its cigarette brands using "fire-safe" technology is also a giant step forward in reducing furniture fires. Phillip Morris USA has also endorsed a federal standard regulating RIP cigarettes equivalent to the standards adopted in New York, and indicated on December 11 that they "use banded cigarette paper to achieve improved test results and compliance with mandatory standards." RIP cigarettes are the fastest and most effective way to address the problem.

In closing, we are pleased to see the fatality, injury and property damage statistics continue to trend down for furniture flammability and we hope this continues. However, we are highly concerned that portions of the draft standard contained in the staff briefing package could change these trends, even though

we know that is not the intension. Therefore, we respectively request that the Commission not vote to move forward in the rulemaking process until more is known about the impact of the staff's proposal on all furniture components and the end product furniture.

Sincerely,

**Phillip Wakelyn
National Cotton Council**

**Hardy B. Poole
National Textile Association**